



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,114	11/13/2003	Yuuji Kitamura	R2184.0270/P270	7707
24998 7590 02/01/2007 DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			EXAMINER ALUNKAL, THOMAS D	
			ART UNIT	PAPER NUMBER
			2627	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/706,114

Applicant(s)

KITAMURA, YUUJI

Examiner

Thomas D. Alunkal

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/15/06.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tosaki et al (hereafter Tosaki) (U.S. PgPub 2002/0159360) in view of Inchalik et al (hereafter Inchalik) (US PgPub 2003/0002671).

Regarding Claim 1, Tosaki disclose a medium judgment method which determines authorization of a read-only disc having a read-only area for use in an optical disk drive (Paragraph 36), acquiring a specific information of the medium from an information reproduction area of the read-only area of the medium (see Paragraph 33), determining whether contents of the medium are authorized based on the acquired specific information (see Paragraph 33), permitting running of a starting process of the optical disk drive with the medium when the authorization of the medium is determined as being correct (see Paragraph 32), and inhibiting running of the starting process of the optical disk drive with the medium when the authorization of the medium is determined as being incorrect (see Paragraph 35). Tosaki does not disclose the use of a hybrid disc (i.e. a disc with both read-only and rewritable areas) as the recording medium to be judged in a read-only optical disk drive. In the same field of endeavor, Inchalik discloses a medium judgment method which determines authorization of a hybrid disc

(Paragraphs 12,13,14 and Figure 8), wherein the method is being used to read the rewritable storage medium in a read-only optical disk drive (Figure 8, Element 190).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide the authorization medium judgment method of Tosaki to the authorizing hybrid optic disc of Inchalik, motivation being to precisely identify the disk without spoiling its physical format and to provide stronger restraint for preventing the illegal use of the disk at a lower cost (Paragraph 26 of Tosaki).

Regarding Claim 2, Tosaki discloses wherein when the acquisition of the specific information from the medium is impossible, the authorization of the medium is determined based on the error information obtained in the acquiring step (see Paragraphs 37 and 41 and Figure 5, Elements 109 and 111). Pickup, Figure 5, Element 104 detects error signals in addition to specific copyright information.

Regarding Claim 3, Tosaki discloses a medium judgment method which determines authorization of a read-only disc having a read-only area (see Paragraph 23) for use in an optical disk drive (Paragraph 36), acquiring first specific information of the medium from a wobbling groove of the medium (see Paragraph 34), acquiring a second specific information of the medium from an information reproduction area of the read-only area of the medium (see Paragraph 38), the second specific information being pre-recorded in the information reproduction area when the first specific information is copied (see Paragraph 40), determining whether contents of the medium are authorized based on both the acquired first specific information and the acquired second specific information (see Paragraphs 34 and 35), permitting running of a starting process of the

optical disk drive with the medium when the authorization of the medium is determined as being correct (see Paragraph 32), inhibiting running of the starting process of the optical disk drive with the medium when the authorization of the medium is determined as being incorrect (see Paragraph 35). Tosaki does not disclose the use of a hybrid disc as the recording medium to be judged in a read-only optical disc drive. In the same field of endeavor, Inchalik discloses a medium judgment method which determines authorization of a hybrid disc (Paragraphs 12,13,14 and Figure 8), wherein the method is being used to read the rewritable storage medium in a read-only optical disk drive (Figure 8, Element 190).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide the authorization medium judgment method of Tosaki to the authorizing hybrid optic disc of Inchalik, motivation being to precisely identify the disk without spoiling its physical format and to provide stronger restraint for preventing the illegal use of the disk at a lower cost (Paragraph 26 of Tosaki).

Regarding Claim 4, Tosaki discloses when the acquisition of the first specific information from the medium is impossible and the acquisition of the second specific information from the medium is possible, the authorization of the medium is determined based on both the error information obtained in the first acquiring step and the acquired second specific information (see Paragraphs 37 and 41 and Figure 5, Elements 109 and 111). Here, judgment is based on whether wobble, in both first and second data areas, exists or not, in addition to the error signals disclosed in Paragraph 41.

Regarding Claim 5, Tosaki discloses when the acquisition of the first specific information from the medium is impossible and the acquisition of the second specific information from the medium is impossible, the authorization of the medium is determined based on both error information obtained in the first acquiring step and error information obtained in the second acquiring step. (see Paragraphs 37 and 41 and Figure 5, Elements 109 and 111). Here, judgment is based on whether wobble, in both first and second data areas, exists or not, in addition to the error signals disclosed in Paragraph 41.

Regarding claims 6-7, and claims 11-12, each of these sets of claims contain limitations similar to those in claims 1 and 2, and are rejected over the same grounds. It is noted that the program of Tosaki is inherently installed in the hardware of system control circuit (Figure 5, Element 11), which allows for judgment method to be performed.

Regarding claims 8-10 and 13-15, each of these sets of claims contain limitations similar to those in claims 3,4, and 5, and are rejected over the same grounds.

Regarding Claim 16, Tosaki discloses an optical disk drive (see Figure 5), which determines authorization of an optical disk having a read-only area (see Paragraph 23), a system control unit (see Figure 5, Element, 111) controlling the entire optical disk drive, an optical head (see Figure 5, Element 104) irradiating a light beam to the disk and performing reading/writing of information with the disk by the control of the system control unit, a motor rotating the disk (see Figure 5, Element 106), a position control unit (see Figure 5, Elements 105 and 107) performing a position control of the optical head

and a rotation control of the motor by the control of the system control unit; the system control unit comprising an acquiring unit (see Figure 5, Elements 104 and 105) acquiring specific information of the disk from an information reproduction area of the read-only area of the disk, a determining unit determining whether contents of the disk are authorized based on the acquired specific information (see Paragraph 35), a permitting unit permitting running of a starting process of the optical disk drive with the disk when the authorization of the disk is determined as being correct (see Paragraph 32), an inhibiting unit inhibiting running of the starting process of the optical disk drive with the disk when the authorization of the disk is determined as being incorrect (see Paragraph 35). Tosaki does not disclose the use of a hybrid disc as the recording medium to be judged in a read-only optical disc drive. In the same field of endeavor, Inchalik discloses a medium judgment apparatus which determines authorization of a hybrid disc (Paragraphs 12,13,14 and Figure 8), wherein the method is being used to read the rewritable storage medium in a read-only optical disk drive (Figure 8, Element 190).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide the authorization medium judgment method of Tosaki to the authorizing hybrid optic disc apparatus of Inchalik, motivation being to precisely identify the disk without spoiling its physical format and to provide stronger restraint for preventing the illegal use of the disk at a lower cost (Paragraph 26 of Tosaki).

Regarding Claim 17, Tosaki discloses wherein when the acquisition of the specific information from the medium is impossible, the authorization of the medium is

determined based on the error information obtained in the acquiring step (see Paragraphs 37 and 41 and Figure 5, Elements 109 and 111). Pickup, Figure 5, Element 104 detects error signals in addition to specific copyright information.

Regarding Claim 18, Tosaki discloses an optical disk drive (see Figure 5), which determines authorization of an optical disk having a read-only area (see Paragraph 23), a system control unit (see Figure 5, Element, 111) controlling the entire optical disk drive, an optical head (see Figure 5, Element 104) irradiating a light beam to the disk and performing reading/writing of information with the disk by the control of the system control unit, a motor rotating the disk (see Figure 5, Element 106), a position control unit (see Figure 5, Elements 105 and 107) performing a position control of the optical head and a rotation control of the motor by the control of the system control unit; the system control unit comprising a first acquiring unit (see Figure 5, Elements 104 and 105) acquiring a first specific information of the disk from a wobbling groove of the disk (see Paragraph 34), a second acquiring unit (see Figure 5, Elements 105 and 107) acquiring a second specific information of the medium from an information reproduction area of the read-only area of the medium (see Paragraph 38), the second specific information being pre-recorded in the information reproduction area when the first specific information is copied (see Paragraph 40), a determining unit determining whether contents of the disk are authorized based on both the acquired first specific information and the acquired second specific information (see Paragraphs 34 and 35), and an inhibiting unit inhibiting running of the starting process of the optical disk drive with the disk when the authorization of the disk is determined as being incorrect (see Paragraph

35). Tosaki does not disclose the use of a hybrid disc as the recording medium to be judged in a read-only optical disc drive. In the same field of endeavor, Inchalik discloses a medium judgment apparatus which determines authorization of a hybrid disc (Paragraphs 12,13,14 and Figure 8), wherein the method is being used to read the rewritable storage medium in a read-only optical disk drive (Figure 8, Element 190).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide the authorization medium judgment method of Tosaki to the authorizing hybrid optic disc apparatus of Inchalik, motivation being to precisely identify the disk without spoiling its physical format and to provide stronger restraint for preventing the illegal use of the disk at a lower cost (Paragraph 26 of Tosaki).

Regarding Claim 19, Tosaki discloses when the acquisition of the first specific information from the medium is impossible and the acquisition of the second specific information from the medium is possible, the authorization of the medium is determined based on both the error information obtained in the first acquiring step and the acquired second specific information (see Paragraphs 37 and 41 and Figure 5, Elements 109 and 111). Here, judgment is based on whether wobble, in both first and second data areas, exists or not, in addition to the error signals disclosed in Paragraph 41.

Regarding Claim 20, Tosaki discloses when the acquisition of the first specific information from the medium is impossible and the acquisition of the second specific information from the medium is impossible, the authorization of the medium is determined based on both error information obtained in the first acquiring step and error information obtained in the second acquiring step. (see Paragraphs 37 and 41 and

Figure 5, Elements 109 and 111). Here, judgment is based on whether wobble, in both first and second data areas, exists or not, in addition to the error signals disclosed in Paragraph 41.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusions

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2627

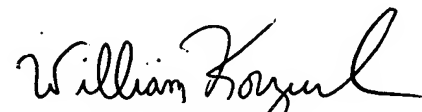
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Alunkal whose telephone number is (571)270-1127. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (571)272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thomas Alunkal



WILLIAM KORZUCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600